App. F. IX-4

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File No. 66-40

Serial Nos. 1

Previous References

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for September 1940

SUBJECT.

Action to be taken in the event of the Revival of Civil Disobedience by the Congress

D 0573—GPB—22,500—12-9-39

B.B. Chandhuri

27.9.40.

Serial No.

From

The Secretary to the Hon'ble the Resident

Secret DO no F.217/1940 dated 28th August 1940 regarding Civil Disobedience movement in the States.

Chief Secretary's Note on the P.U.D.

"The existing provisions of law will be examined to see how far they are sufficient to meet the the emergencies foreshadowed."

In view of the possibility of a revival of civil disobedience it is stated that the Crown Representative proposes to invite Indian States to cooperate by taking the following action:-

(i) The externment of British Indian subjects from the States.

(ii) Prevention of assistance by State subjects.

(iii) Immobilisation and seizure of Congress funds, lodged in State territory.

It is suggested that in regard to (iii) legislation may be necessary in Mysore and they have enclosed copy of section 5 of an ordinance proposed to be issued.

Reference is invited to the provisions of Chapter III of the Mysore Public Security Act, 1940. Section 18 in particular appears to cover the cases in view and in view of its provisions it may not be necessary to have any fresh legislation on the lines suggested.

The draft of section 5 sent with the letter appears to differ from the provisions of section 18 in two important particulars-

1. The draft speaks of "any revolutionary activity or revolutionary movement" whereas the Act speaks of unlawful associations. But under section 11 Government may declare an association to be unlawful if it has certain objects in view which are set out in that

NOTE—Contn. Sheet.

section and it would be easy and perfectly legal to declare an association of revolutionary activities to be an unlawful association under that section.

2. The ordinance applies to moneys etc. in transit or about to be transmitted while the Act applies to moneys actually in the hands of a person. In practice, however, this will not make much difference as the moneys will have to be in the hands of some person and it would be easy to control its use or to order its confiscation.

If approved the attention of the Residency will be drawn to the provisions of section 18 of the Public Security Act and they will be asked whether they will not serve the objects in view.

Whether the Govt will Confiscate in the manner suggested is for orders.

Submitted with a draft,

4.9.40

JMAW 18/9

Law Secy)

2057/1619

I agree

Chief Secy) M.C.

Hm 17.9.40. JMAW 17/9

1st Member & Dewan

MK 18/9/40

3 18/9/40

17 SEP. 194 GOVT. OF MYSORE.

OFFICE OF THE FIRST MEMBER OF COUNCIL SEP 18 1940 No. 2710

JMAW 20/9/40

MK 2079 JMAW 20/9

Issue D. O. Pol 411 dated 20th Sept 1940 to Major Hacon.

B

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CB

Secret.
D.O.No.F.217/1940.

The Residency, Bangalore,
26th August 1940.

The existing provisions of law will be examined by the Law Dept. for their sufficiency & such other measures as may be necessary.

Law Secretary with compliments.

Subd

My Dear Hevavaregar

I am desired to say that in view of the possibility of a revival of civil disobedience by the Congress in British India, the Government of India are preparing plans to deal with such a movement should it occur. As part of these plans His Excellency the Crown Representative considers such action as is necessary should be taken with the co-operation of Durbars to ensure that Indian States are not made a base for carrying on unlawful activities, particularly in time of war, against the British Government. To achieve this, His Excellency proposes to invite Indian States to co-operate by taking the following action in the event of Civil Disobedience being started :-

(1) Externment of British Indian subjects who are actively assisting the unlawful activities in British India from the States;

(2) Prevention of States' subjects from rendering assistance to the movement in British India: and

(3) Immobilization and seizure of any congress funds which may be lodged in banks or with other persons in State territory.

2. While it should be practicable to take action to implement (1) and (2) above under laws already in existence in the State, it will probably be necessary so far as (3) is concerned for the Mysore Government to pass fresh legislation on the lines of that to be enacted in British India as soon as it is considered that the situation warrants this course.

3. Since it is not improbable that congress funds are located or may come to be located at various places in the

Mysore State, I am in the strictest confidence to request the Government of Mysore to be prepared to co-operate in regard to the seizure of such funds. There would, of course, be no objection to the State retaining any such congress funds seized within their boundaries should they wish to do so.

4. I am to enclose a copy of section 5 of the draft British Indian Ordinance on the subject which might be of use to you in preparing your own legislation. The draft British Indian Ordinance referred to will probably not be issued until the emergency arises and I am to suggest that the necessary legislation on the subject of seizure of funds may be prepared and be kept in readiness against the time when it may be needed.

5. The Resident is confident that the Government of Mysore will be prepared to co-operate and will appreciate the extremely secret nature of this letter.

I have etc.,

A Macaulay.

Rajasevaprasaktha B.T. Kesavaiengar Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

S E C R E T.

Extract from (Draft) Revolutionary Movement Ordinance.

Control or confiscation of money or other valuables.

5. (1). If the Provincial Government or a police officer not below the rank of a Superintendent of Police authorised in this behalf by the Provincial Government, has reason to believe that any moneys, securities, goods or credits in the Province or in transit or about to be transmitted to the Province from any place outside the Province are being applied, or are intended to be applied, in the Province in furtherance of any revolutionary activity or of a revolutionary movement, the Provincial Government or such officer may, by order in writing, prohibit any person into whose possession any such moneys, securities, goods or credits may have come, or to whom they are in transit or about to be transmitted, or with whom they have been or are about to be deposited or established, from paying, delivering, transferring or otherwise dealing in any manner whatsoever with the same, save in accordance with the written orders of the Provincial Government or such officer.

(2) The Provincial Government may before making an order under sub-section (1) by order in writing authorise any servant of the Crown to enter upon any premises of a person on whom it contemplates making such an order, examine the books or other documents of such person, search for money, securities, goods or credits and make inquiries from such person or any officer, agent or servant of such person touching the origin of, and dealings in, any moneys, securities, goods or credits which the investigating officer may suspect are being applied, or are intended to be applied, in any manner specified in sub-section (1) and take such steps by attachment or otherwise as are necessary in his opinion to prevent such application until the orders of the Provincial Government can be obtained.

(3) If the Provincial Government is satisfied, after such inquiries as it may think fit, that any moneys, securities, goods or credits, such as are referred to in sub-section (1), are being applied, or are intended to be applied, in any manner therein specified, it may, by order in writing, declare such moneys, securities, goods or credits to be forfeited to His Majesty.

(4) The Provincial Government may, by order in writing, require any bank or other person to furnish such information as the Provincial Government may deem necessary for carrying into effect the provisions of this section, and such bank or person shall thereupon be bound to furnish the required information if, and so far as, it is in its or his possession.

(5) An order of forfeiture under sub-section (3) may be directed in original or by a copy thereof for execution to any servant of the Crown and such servant of the Crown may use all reasonable means necessary to give effect to the order, and in particular, and without prejudice to the generality of this power, may, with such assistance as he may require, enter upon and search for any moneys, securities, goods or credits referred to in the order in any premises, where they, or any of them, may reasonably be suspected to be, and may seize the same.

Provided that the order of forfeiture, or the copy of it as the case may be, shall first be shown to the person whom there is reason to believe to be in possession of the moneys, securities, goods or credits, and to the owner or occupier of the premises in which the search is to be made, if such person, owner or occupier so requests.

P.T.O. (6)

(6) In this section the expression "security" includes a document whereby any person acknowledges that he is under a legal liability to pay money, or whereunder any person obtains a legal right to the payment of money.

* * * *

Draft)

SECRET.

I am desired to acknowledge your Secret D.O. letter No.F.217/1940 dated 26th August 1940 on the subject of the co-operation of Indian States in the event of a revival of civil disobedience by the Congress in British India* and to state that this Government have no objection will be prepared to co-operate in this matter in the manner with in any measure required suggested. that such a contingency might require

I am further to invite reference to Chapter III the provisions of ~~section 18~~ of the Mysore Public Security Act, 1940, and to enquire whether they will not serve Such Act in the Power of this Govt, these provisions are sufficient to secure the purposes in view and whether the the seizure and nationalisation of the funds of enactment of fresh legislation on the any association that may be declared to be unlawful lines suggested is still considered desirable to meet the emergency foreshadowed.

Major
A.E.H.Macann
Secretary to the Hon'ble
the Resident in Mysore.

* subject to approval.

20 September 40

SECRET.

D.O. Pol. 411

I am desired to acknowledge your Secret D.O. letter No.F.217/1940 dated 26th August 1940 on the subject of the co-operation of Indian States in the event of a revival of civil disobedience by the Congress in British India and to state that this Government will be prepared to co-operate in any measures required in such a contingency.

I am further to invite reference to the provisions of Chapter III of the Mysore Public Security Act, 1940, and to state that in the opinion of this Government, these provisions are sufficient to secure the seizure and immobilisation of the funds of any association that may be declared to be unlawful.

Major
A. E. H. Macann,
Secretary to the Hon'ble
the Resident in Mysore,
Bangalore.